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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059809
Party	Plaintiff Specialised Imaging Ltd.
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Submission	Motion for Sanctions
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Signature	/Janet Shih Hajek/
Date	07/02/2015
Attachments	Motion for Sanctions (KIRANA).pdf(2043666 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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**PETITIONER’S MOTION FOR SANCTIONS
FOR FAILURE TO COMPLY WITH BOARD ORDER**

Pursuant to Fed. R. Civ. P. 37(b)(2) and 37 C.F.R. § 2.120(g), Specialised Imaging Ltd. (“Petitioner”), by and through its counsel, hereby requests an order sanctioning Hadland Imaging LLC (“Respondent”) as a result of Respondent’s failure to comply with the May 19, 2015 Order (the “Order”) issued by the Trademark Trial & Appeal Board (the “Board”). Given Respondent’s failure to comply with the Board’s Order and to participate during the discovery period of this cancellation proceeding, Petitioner submits that the Board should enter judgment against Respondent, cancelling Registration No. 4,395,912. In support of Petitioner’s Motion for Sanctions For Failure to Comply With Board Order (the “Motion for Sanctions”), Petitioner includes herewith as Exhibit A the Declaration of Janet Shih Hajek (“Hajek Decl.”) and sets forth the following:

MEMORANDUM IN SUPPORT OF MOTION FOR SANCTIONS

I. FACTUAL BACKGROUND

1. This cancellation proceeding was instituted on August 13, 2014. On October 24, 2014, the Board issued an order setting the schedule in the proceeding (the “Scheduling Order”). Respondent filed its answer on November 24, 2014. The Scheduling Order identified January 22, 2015 as the deadline for the parties to serve their initial disclosures.

2. On January 21, 2015, Petitioner served upon Respondent Petitioner’s initial disclosures. Also on January 21, 2015, Petitioner served Respondent with Petitioner’s First Set of Requests for Production of Documents and Things to Respondent (“Document Requests”), Petitioner’s First Set of Interrogatories to Respondent (“Interrogatories”), and Petitioner’s First Set of Requests for Admissions to Respondent (collectively, “Petitioner’s Discovery Requests”). (Hajek Decl. ¶ 2). Respondent’s responses and answers to Petitioner’s Discovery Requests were due on February 25, 2015.

3. Having failed to receive initial disclosures or responses to Petitioner’s Discovery Requests, Petitioner’s counsel wrote to Respondent on March 4, 2015 (the “March 4 Letter”), explaining that Respondent’s initial disclosures and responses to discovery requests had not been timely received and requesting that they be served by March 13, 2015. (Hajek Decl. ¶ 3). The March 4 Letter also invited Respondent to call Petitioner’s counsel if Respondent had any questions or would like to discuss the substance of the letter. *Id.*

4. On March 13, 2015, Respondent replied to the March 4 Letter with an e-mail that did not address the discovery deficiencies. (Hajek Decl. ¶ 4). On March 23, 2015, Petitioner’s counsel responded to Respondent’s e-mail with a further reminder that Respondent had not served any initial disclosures, nor had Respondent served responses to the Document Requests and Interrogatories (the “March 23 E-mail”). (Hajek Decl. ¶ 5). The March 23 E-mail informed

Respondent that if Respondent did not comply with its discovery obligations by serving initial disclosures and responses to the Interrogatories and Document Requests by 5:00 pm Pacific Time on Wednesday, March 25, 2015, Petitioner “will have no other choice than to file a motion to compel with the Trademark Trial & Appeal Board.” *Id.*

5. Failing to receive a response to the March 23 E-mail, Petitioner filed a motion to compel with the Board on April 8, 2015. On May 19, 2015, the Board issued the Order granting Petitioner’s motion to compel as conceded. (Hajek Decl. ¶ 6).

6. The Board’s Order allowed Petitioner until thirty days from the mailing date of the order (i.e., by June 18, 2015) to: (1) serve initial disclosures and responses without objection to Petitioner’s first set of interrogatories and first set of documents requests; (2) select, designate and identify the items and documents, or categories of items and documents, to be produced without objection in response to Petitioner’s first set of document requests; and (3) notify Petitioner that the selection, designation and identification of such items and documents has been completed. (Hajek Decl. ¶ 7).

7. Petitioner has not received any response from Respondent in compliance with the Board’s Order. To date, Respondent has failed to provide or serve initial disclosures or any responses to Petitioner’s first set of interrogatories and first set of document requests. (Hajek Decl. ¶ 8). Respondent has likewise failed to select, designate, and identify the items and documents, or categories of items and documents, to be produced without objection in response to Petitioner’s first set of document requests. *Id.* Respondent has also failed to notify Petitioner that the selection, designation and identification of such items and documents has been completed as directed by the Board’s Order. *Id.*

II. ARGUMENT

8. The Board has explained that “[i]f a party fails to comply with an order of the Board relating to discovery, including an order compelling discovery, the Board may order appropriate sanctions as defined in Trademark Rule 2.120(g)(1) and Fed. R. Civ. P. 37(b)(2), including entry of default judgment. *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, 55 U.S.P.Q.2d 1848, 1854 (T.T.A.B. 2000) (citing *Unicut Corp. v. Unicut, Inc.*, 222 U.S.P.Q. 341 (T.T.A.B. 1984); *Caterpillar Tractor Co. v. Catfish Anglers Together, Inc.*, 194 U.S.P.Q. 99 (T.T.A.B. 1976)); *see also* Trademark Trial & Appeal Board Manual of Procedure (“TBMP”) § 527.01; Fed. R. Civ. P. 37(b)(2).

9. Judgment is appropriate where a party has repeatedly ignored the opposing party’s requests for discovery responses and disregarded an order of the Board compelling discovery. *See MHW Ltd. v. Simex, Aussenhandels-gesellschaft Savelsberg KG*, 59 U.S.P.Q.2d 1477, 1478 (T.T.A.B. 2000); *Baron Philippe de Rothschild S.A.*, 55 U.S.P.Q.2d 1848.

10. Respondent has purposely avoided its discovery responsibilities in this case and has disregarded the Board’s Order. It is clear that Respondent is not interested in participating in this proceeding.

11. In that Respondent has not provided any information in response to Petitioner’s good faith attempts to engage Respondent in the discovery process and since Respondent has failed to serve initial disclosures and responses to Petitioner’s Discovery Requests, Petitioner is left with no alternative than to seek the Board’s intervention to sanction Respondent for its complete disregard for the Board’s authority. *See* TBMP § 527.01(a) (“Unlike a motion to

compel discovery, there is no requirement to make a good faith effort to resolve the parties' dispute prior to filing a motion for discovery sanctions."").

III. Relief Requested

WHEREFORE, Petitioner prays that the Board issue an order that grants default judgment in favor of Petitioner and cancels Registration No. 4,395,912. Petitioner further requests that proceedings be suspended pending disposition of this Motion for Sanctions.¹

Dated: July 2, 2015

Respectfully submitted,

/Janet Shih Hajek/

Janet Shih Hajek

Darin Brown

HOLLAND & HART LLP

P.O. Box 8749

Denver, CO 80201

(303) 295-8119 (phone)

(303) 957-5583 (fax)

**Attorneys for Petitioner
Specialised Imaging Ltd.**

¹ Petitioner also respectfully requests that all dates in this proceeding be reset as requested in Petitioner's Motion to Extend the Discovery Period filed on June 8, 2015, which is unopposed and has therefore been conceded.

CERTIFICATE OF SERVICE

I certify that on July 2, 2015, I served a true and correct copy of the above Motion for Sanctions For Failure to Comply With Board Order and accompanying Declaration of Janet Shih Hajek to the following by U.S. Certified Mail, postage prepaid:

Mr. Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062

/Janet Shih Hajek/

Janet Shih Hajek

7877908_1

Exhibit A
to Motion for Sanctions
Declaration of Janet Shih Hajek (“Hajek Decl.”)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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DECLARATION OF JANET SHIH HAJEK

Janet Shih Hajek hereby declares and states as follows:

1. I am an attorney with the law firm of Holland & Hart LLP, the law firm of record for Specialised Imaging Ltd. (“Petitioner”) in the above-captioned matter. I am submitting this declaration in support of Petitioner’s Motion For Sanctions For Failure to Comply With Board Order. I have personal knowledge of all the facts stated herein.

2. On January 21, 2015, Petitioner served its initial disclosures upon Hadland Imaging LLC (“Respondent”). Also on January 21, 2015, Petitioner served Respondent with Petitioner’s First Set of Requests for Production of Documents and Things to Respondent, Petitioner’s First Set of Interrogatories to Respondent, and Petitioner’s First Set of Requests for Admissions to Respondent (collectively, “Petitioner’s Discovery Requests”). True and accurate copies of Petitioner’s First Set of Requests for Production of Documents and Things to Respondent dated January 21, 2015 (“Document Requests”) and Petitioner’s First Set of Interrogatories to Respondent dated January 21, 2015 (“Interrogatories”) are attached hereto as Exhibit 1. Respondent’s answers were due on February 25, 2015.

3. Having failed to receive initial disclosures or responses to Petitioner's Discovery Requests, I wrote to Respondent on March 4, 2015 (the "March 4 Letter"), explaining that Respondent's initial disclosures and responses to discovery requests had not been timely received and requesting that they be served by March 13, 2015. A true and accurate copy of the March 4 Letter is attached hereto as Exhibit 2. The March 4 Letter also invited Respondent to call Petitioner's counsel if Respondent had any questions or would like to discuss the substance of the letter.

4. On March 13, 2015, Respondent replied to the March 4 Letter with an e-mail that did not address the discovery deficiencies. A true and accurate copy of Respondent's March 13, 2015 e-mail reply (redacting statements concerning settlement negotiations) is attached hereto as Exhibit 3.

5. On March 23, 2015, I responded to Respondent's e-mail with a further reminder that Respondent had not served any initial disclosures, nor had Respondent served responses to the Document Requests and Interrogatories (the "March 23 E-mail"). A true and accurate copy of the March 23 E-mail, without attachments, is attached as Exhibit 4. The March 23 E-mail informed Respondent that if Respondent did not comply with its discovery obligations by serving initial disclosures and responses to the Interrogatories and Document Requests by 5:00 pm Pacific Time on Wednesday, March 25, 2015, Petitioner "will have no other choice than to file a motion to compel with the Trademark Trial & Appeal Board."

6. Having received no response to my March 23, 2015 e-mail, Petitioner filed a motion to compel with the Trademark Trial & Appeal Board (the "Board") on April 8, 2015. On May 19, 2015, the Board granted Petitioner's motion to compel as conceded (the "Order"). A true and accurate copy of the Board's Order is attached as Exhibit 5.

7. The Board's Order allowed Petitioner until thirty days from the mailing date of the order (i.e., by June 18, 2015) to: (1) serve initial disclosures and responses without objection to Petitioner's first set of interrogatories and first set of documents requests; (2) select, designate and identify the items and documents, or categories of items and documents, to be produced without objection in response to Petitioner's first set of document requests; and (3) notify Petitioner that the selection, designation and identification of such items and documents has been completed. *See Exhibit 5.*

8. To date, Petitioner has not received any information or response from Respondent in compliance with the Board's Order. Petitioner has not been served with Respondent's initial disclosures, nor has Respondent provided responses to Petitioner's first set of interrogatories and first set of document requests, as required under the Board's Order. Respondent has also failed to select, designate, and identify the items and documents, or categories of items and documents, to be produced without objection in response to Petitioner's first set of document requests. Respondent also has not notified Petitioner that the selection, designation and identification of such items and documents has been completed as directed by the Board's Order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of July, 2015, in Denver, Colorado.



Janet Shih Hajek

Exhibit 1 to Hajek Decl.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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**PETITIONER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND THINGS TO RESPONDENT**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 406 of the Trademark Trial and Appeal Board Manual of Practice, Specialised Imaging Ltd. (“Petitioner”) hereby serves this First Set of Requests for Production of Documents and Things on Hadland Imaging LLC (“Respondent”), and requests that Respondent respond by producing the requested documents at the offices of Petitioner’s counsel, Holland & Hart LLP, One Boulder Plaza, 1800 Broadway, Suite 300, Boulder, Colorado 80302, within thirty (30) days.

DEFINITIONS AND INSTRUCTIONS

The following definitions apply to all of Petitioner’s discovery requests.

A. “Identify,” “identity” or “identification” when used with respect to a natural person requires that you provide the following information with respect to the person:

1. Name;
2. Last known business address;
3. Last known residence address;
4. Last known telephone number; and

5. Name of employer or business with whom the person is and/or was associated and the person's title and position at the time relevant to the identification.

B. "Identify," "identity," or "identification" when used with respect to a person that is not a natural person means, to the extent applicable, provide the last known business address, last known telephone number, contact name and title, and the nature of the entity (*e.g.*, partnership, corporation, limited liability company, etc.).

C. "Identify," "identity," or "identification," when used with respect to a communication, means to state the parties to the communication, the date or approximate date of the communication, the substance of the communication, and identify all documents containing or relating to the communication.

D. "Refers" or "relates to" means that the request encompasses any document or thing, as the case may be, that discusses, embodies, contains, evidences, reflects, identifies, states, refers to or concerns that matter, or that is in any way pertinent to that matter. To the extent that a document differs from other copies or originals by reason of notations, comments, markings, or other differences, each document shall be deemed a separate document.

E. "You," "Your" and "Respondent" means Hadland Imaging LLC and its predecessors-in-interest, past and present affiliates, subsidiaries, officers, agents, directors, employees, business partners, consultants, attorneys, representatives and any other person acting on behalf of Hadland Imaging LLC.

F. "Petitioner" and "Specialised Imaging" means Specialised Imaging Ltd. and its predecessors-in-interest, past and present affiliates, subsidiaries, officers, agents, directors, employees, consultants, attorneys, representatives and any other person acting on behalf of Specialised Imaging Ltd.

G. “Invisible Vision” means Invisible Vision Ltd., a United Kingdom limited company with an address at 17 Princes Street, Norwich, NR3 1AF, UK, and its affiliates, subsidiaries, officers, agents, directors, employees, consultants, attorneys, representatives and any other person acting on behalf of Invisible Vision Ltd.

H. The “Registration” means U.S. Trademark Registration No. 4,395,912.

I. The “KIRANA mark” means the KIRANA trademark.

J. “Respondent’s Products” means any products or services created, sold, marketed or offered for sale or intended to be created, sold, marketed or offered for sale by Respondent bearing the KIRANA mark, including but not limited to, the goods identified in the Registration.

K. “Petition for Cancellation” means the Petition for Cancellation filed by Petitioner, which instituted the present Cancellation No. 92059809.

L. “Petitioner’s Products” means any products or services created, sold, marketed or offered for sale or intended to be created, sold, marketed or offered for sale by Petitioner bearing the KIRANA mark.

M. “Document” and “Documents” are used in the broadest extent permitted by Fed. R. Civ. P. 34(a)(1), including written material stored electronically on tape, disk or other media, and e-mail. “Document” or “Documents” also include all non-identical copies, such as those bearing marginal comments or other marks, postscripts, changes, amendments, addenda, or other notations not present on the original document as initially written, typed, or otherwise prepared. Each such non-identical copy is to be considered and identified as a separate document. To the extent any “communication” as defined below is reduced to a writing or other recordation, it is expressly included in the term “Document” or “Documents.”

N. “Communication” shall be construed in its broadest sense and means every

manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information, whether orally, face-to-face, by telephone, mail, personal delivery, document, electronic mail, posting on the Internet, text, or otherwise.

O. All references in these discovery requests to “use” signify use in commerce that may lawfully be regulated by Congress.

P. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make these discovery requests inclusive rather than exclusive.

Q. “Each,” “any” and “all” mean each and every.

R. Pursuant to the amended TTAB Rules, 72 Fed. Reg. 42242 (August 1, 2007), Rule 2.116(g), the Board’s standard protective order (the “Protective Order”) is applicable in every pending case, including the present one, commenced on or after August 31, 2007. As a result, any objections on the basis of “confidentiality” are generally inappropriate.

S. If any information is withheld on the basis of the claim of privilege or otherwise, please provide a privilege log identifying the information withheld, the creation date, the creator(s), the recipient(s), the general subject matter of the information, and the specific grounds upon which it is being withheld.

T. In Your responses to Petitioner’s discovery requests, please restate the text of each request preceding your response.

U. Each page of every document produced in response to Petitioner’s discovery requests shall be stamped with a unique Bates Number.

V. Petitioner’s discovery requests shall be deemed continuing so as to require timely supplementation if Respondent obtains or becomes aware of any information, further documents or things subsequent to Respondent’s initial responses in accordance with the Federal Rules of

Civil Procedure.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 1

All Documents referring or relating to Respondent's selection, adoption, and clearance of the KIRANA mark, including but not limited to, searches, investigations, reports, and opinions.

Request No. 2

All Documents referring or relating to the preparation and submission of U.S. Trademark Application Serial No. 85/833,138, which is now the Registration, including but not limited to the selection and preparation of the specimen of use submitted therewith.

Request No. 3.

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2010.

Request No. 4

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2011.

Request No. 5

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2012.

Request No. 6

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2013.

Request No. 7

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2014.

Request No. 8

Documents sufficient to show or identify each product and/or service bearing the KIRANA mark that has been sold by Respondent.

Request No. 9

Documents sufficient to show or identify each product and/or service bearing the KIRANA mark that is currently being sold by Respondent.

Request No. 10

Documents sufficient to show or identify Respondent's plans for marketing and promoting Respondent's Products, including, but not limited to, marketing plans, advertising plans, strategic business plans, and market research, for each year that Respondent has marketed and promoted Respondent's Products bearing the KIRANA mark.

Request No. 11

All Documents evidencing Respondent's first use of the KIRANA mark on or in connection with Respondent's Products.

Request No. 12

All Documents evidencing Respondent's first use of the KIRANA mark on or in connection with cameras.

Request No. 13

All Documents evidencing Respondent's first sale of Respondent's Products, including but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 14

All Documents relating to the sales of Respondent's Products in 2010, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 15

All Documents relating to the sales of Respondent's Products in 2011, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 16

All Documents relating to the sales of Respondent's Products in 2012, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 17

All Documents relating to the sales of Respondent's Products in 2013, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 18

All Documents relating to the sales of Respondent's Products in 2014, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 19

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2010.

Request No. 20

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2011.

Request No. 21

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2012.

Request No. 22

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2013.

Request No. 23

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2014.

Request No. 24

Documents sufficient to identify each channel of trade through which Respondent has marketed, offered, and sold, and currently markets, offers, and sells Respondent's Products.

Request No. 25

Documents sufficient to identify the nature, identity and characteristics of each class or type of purchaser to whom Respondent has marketed, offered, and sold, and currently markets, offers, and sells Respondent's Products.

Request No. 26

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2010.

Request No. 27

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2011.

Request No. 28

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2012.

Request No. 29

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2013.

Request No. 30

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2014.

Request No. 31

Documents sufficient to show all forms and all manners of appearance in which Respondent has depicted, displayed, or used the KIRANA mark, including but not limited to, all designs and stylizations, from the first use of the KIRANA mark to the present.

Request No. 32

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2010 where Respondent promoted Respondent's Products.

Request No. 33

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2010.

Request No. 34

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2011 where Respondent promoted Respondent's Products.

Request No. 35

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2011.

Request No. 36

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2012 where Respondent promoted Respondent's Products.

Request No. 37

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2012.

Request No. 38

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2013 where Respondent promoted Respondent's Products.

Request No. 39

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2013.

Request No. 40

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2014 where Respondent promoted Respondent's Products.

Request No. 41

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2014.

Request No. 42

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2010.

Request No. 43

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2011.

Request No. 44

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2012.

Request No. 45

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2013.

Request No. 46

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2014.

Request No. 47

Documents sufficient to identify Respondent's advertising and promotional expenditures for each of the years 2010, 2011, 2012, 2013 and 2014 of Respondent's Products bearing the KIRANA mark.

Request No. 48

All Documents referring or relating to any instance of alleged confusion, mistake, or deception involving, on the one hand, Respondent, Respondent's use of the KIRANA mark, or Respondent's Products, and on the other hand, Petitioner, Petitioner's use of the KIRANA mark, Petitioner's Products, or vice versa.

Request No. 49

All Documents referring or relating to any inquiries about whether Respondent, Respondent's Products, or Respondent's use of the KIRANA mark are or were affiliated or associated with, connected to, sponsored by, or otherwise related to Petitioner, Petitioner's Products, or Petitioner's use of the KIRANA mark, or vice versa.

Request No. 50

All Documents referring to or relating to objections Respondent has made within the last five (5) years, based in whole or in part on the KIRANA mark, to any third party's use and/or registration of any marks or names.

Request No. 51

All documents referring or relating to objections Respondent has received within the last five (5) years regarding the use and/or registration of the KIRANA mark.

Request No. 52

All Documents referring or relating to agreements negotiated between Respondent and third parties within the last five (5) years, including any resulting agreement(s), concerning the use and/or registration of the KIRANA mark, including but not limited to license agreements, settlement agreements, and coexistence agreements.

Request No. 53

All Documents referring or relating to Invisible Vision, and/or all documents which constitute communications between Respondent and Invisible Vision regarding the KIRANA mark or Respondent's Products.

Request No. 54

All Documents referring or relating to any license, permission, consent, or other authorization by Invisible Vision to Respondent regarding Respondent's use of any photographs or copyrighted images owned by Invisible Vision.

Request No. 55

Photographs of Respondent's Products displaying the KIRANA mark for each year that Respondent has promoted Respondent's Products, from the date of first use to present.

Request No. 56

Photographs or copies of packaging for Respondent's Products displaying the KIRANA mark for each year that Respondent has offered Respondent's Products, from the date of first use to present.

Request No. 57

Documents sufficient to identify all trademark, service mark, trade name, Internet domain name, or other U.S. applications/registrations owned by or on behalf of Respondent, through assignment or otherwise, for any name or mark comprised of or containing the term "KIRANA."

Request No. 58

All Documents referring or relating to consumer research, consumer reports, case studies, opinions, and/or investigations relating to the KIRANA mark in Respondent's possession.

Request No. 59

All Documents referring or relating to any research, reports, surveys, investigations, and/or studies conducted within the last five (5) years relating to consumer or customer perception, understanding, and/or recognition of any name, mark, or designation comprised of or containing the KIRANA mark in Respondent's possession.

Request No. 60

All Documents relating to any research, reports, surveys, investigations, and/or studies concerning the presence or absence of consumer confusion or the likelihood of confusion between, on the one hand, Respondent, Respondent's use of the KIRANA mark, or Respondent's Products and, on the other hand, Petitioner, Petitioner's use of the KIRANA mark or Petitioner's Products.

Request No. 61

All Documents referring or relating to Petitioner's use of the KIRANA mark, including but not limited to the circumstances under which Respondent first learned of Petitioner's use of the KIRANA mark.

Request No. 62

All Documents relating to Respondent's knowledge of Petitioner's use of the KIRANA mark.

Request No. 63

All Documents, including all correspondence, relating to Respondent's knowledge of Petitioner's first use of the KIRANA mark.

Request No. 64

All Documents, including all correspondence, relating to the first time that Respondent became aware of Petitioner's use of the KIRANA mark.

Request No. 65

All Documents referring or relating to web pages in which Respondent's Products have been offered for sale from the date of first use to present.

Request No. 66

All Documents referring or relating to web pages in which Respondent's Products have been advertised from the date of first use to present.

Request No. 67

Documents sufficient to identify any retail outlets where Respondent's Products have been offered for sale from the date of first use to present.

Request No. 68

Documents sufficient to identify any retail outlets where Respondent's Products have been sold from the date of first use to present.

Request No. 69

To the extent not covered by the foregoing requests, all Documents identified in Your responses to Petitioner's First Set of Interrogatories, and all documents referred to in preparing Your responses to Petitioner's First Set of Interrogatories.

Request No. 70

Documents sufficient to identify Respondent's corporate structure, including but not limited to documents referring or relating to employees that have had any involvement with Respondent's Mark and/or Respondent's Products.

Request No. 71

All Documents relating to any manufacturing agreements, including negotiations leading to such manufacturing agreements, for the manufacture of Respondent's Products.

Request No. 72

All Documents relating to any distribution agreements, including negotiations leading to such distribution agreements, for the distribution of Respondent's Products.

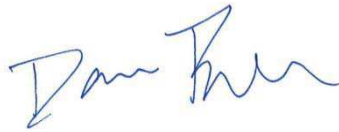
Request No. 73

All Documents relating to Hadland Imaging LLC's articles of incorporation.

Request No. 74

All documents not already produced in response to these Requests that Respondent may use to support its claims and defenses in this Cancellation Proceeding No. 92059809.

Dated: January 21, 2015



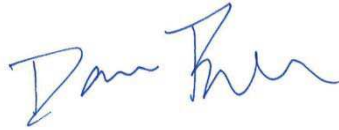
Darin Brown
Janet Shih Hajek
HOLLAND & HART LLP
P.O. Box 8749
Denver, CO 80201-8749
Phone: (303) 473-2731
Facsimile: (303) 473-2720

**Attorneys for Petitioner
Specialised Imaging Ltd.**

CERTIFICATE OF SERVICE

I certify that on January 21, 2015, I served a true and complete copy of the above
**PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND THINGS TO RESPONDENT** to the following by U.S. Certified Mail, postage prepaid:

Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062



Darin Brown

7401088_2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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PETITIONER’S FIRST SET OF INTERROGATORIES TO RESPONDENT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Specialised Imaging Ltd. (“Petitioner”) requests that Hadland Imaging LLC (“Respondent”) serve upon Petitioner sworn answers to the interrogatories set forth below within thirty (30) days. These interrogatories are intended to be continuing in nature and any information that may be discovered subsequent to the service and filing of Respondent’s answers should be brought to Petitioner’s attention through supplemental answers within a reasonable time following such discovery.

Petitioner requests that each interrogatory be quoted in full immediately preceding the response.

DEFINITIONS AND INSTRUCTIONS

Petitioner incorporates by reference the definitions and instructions set forth in Petitioner’s First Set of Requests for Production of Documents and Things to Respondent.

INTERROGATORIES

Interrogatory No. 1:

Describe in detail the circumstances surrounding Respondent's selection of the KIRANA mark, including but not limited to the reasons that Respondent selected Respondent's Mark, when Respondent selected Respondent's Mark, and all persons involved in the selection the KIRANA mark.

Interrogatory No. 2:

Describe in detail the circumstances surrounding Respondent's clearance of the KIRANA mark, including but not limited to how Respondent cleared the KIRANA mark, when Respondent cleared the KIRANA mark, and all persons involved in the clearance of the KIRANA mark.

Interrogatory No. 3:

Describe in detail the circumstances surrounding Respondent's preparation and submission of U.S. Trademark Application Serial No. 85/833,138, including but not limited to the selection and preparation of the specimen of use submitted therewith.

Interrogatory No. 4:

Identify and describe how Respondent obtained the photograph used as the specimen of use which was submitted to the U.S. Patent & Trademark Office in Application Serial No. 85/833,138.

Interrogatory No. 5:

Identify the photographer of the photograph used as the specimen of use which was submitted to the U.S. Patent & Trademark Office in Application Serial No. 85/833,138.

Interrogatory No. 6:

Identify the exact date (providing the month, day and year) of creation of the photograph used as the specimen of use which was submitted to the U.S. Patent & Trademark Office in Application Serial No. 85/833,138.

Interrogatory No. 7:

Identify each person having knowledge of the date of first use by Respondent of the KIRANA mark.

Interrogatory No. 8:

Identify each person having knowledge of the date of first promotion by Respondent of the KIRANA mark.

Interrogatory No. 9:

Identify each product with which Respondent has used the KIRANA mark by stating for each such product:

- (a) The name of and the description of the product; and
- (b) The date of launch or first use of Respondent's Mark with each product.

Interrogatory No. 10:

Identify any and all trade shows and expositions attended by Respondent in the last five (5) years and the date of such trade shows and expositions in which Respondent has promoted Respondent's Products bearing the KIRANA mark.

Interrogatory No. 11:

Identify each branding agency, advertising agency, market research firm, public relations firm, website development firm, or other similar entity that has rendered services to Respondent within the last five (5) years in connection with the advertising, promotion, or publicizing of the

KIRANA mark, or any products or services promoted, sold, and/or offered by Respondent under the KIRANA mark and for each such entity:

- (a) Describe the services performed by it;
- (b) State the period(s) of time during which it provided such services; and
- (c) Identify the person(s) primarily responsible for Respondent's account and the period(s) of time during which they were responsible.

Interrogatory No. 12:

Identify the person(s) most knowledgeable about Respondent's Products.

Interrogatory No. 13:

Identify Respondent's total revenues for each of the last five years from the sale and/or licensing of goods bearing the KIRANA mark.

Interrogatory No. 14:

Identify Respondent's total revenues for each of the last five years from the sale and/or licensing of Respondent's Products bearing the KIRANA mark.

Interrogatory No. 15:

Identify the person(s) most knowledgeable about the advertising and promotion of Respondent's Products.

Interrogatory No. 16:

Set forth Respondent's total expenditures on an annual basis for the last five (5) years for the marketing and/or advertising of Respondent's Products.

Interrogatory No. 17:

Identify and describe all instances in which a person has confused or mistaken the identity, source, affiliation, or relationship between, on the one hand, Respondent, Respondent's

Products, or Respondent's use of the KIRANA mark and, on the other hand, Petitioner, Petitioner's goods or services, or Petitioner's use of the KIRANA mark, and vice versa. For each such instance state:

- (a) The identity of the person who was confused or mistaken;
- (b) The date and place that the confusion or mistake occurred;
- (c) The manner in which Respondent received notice of the confusion or mistake; and
- (d) The identity of each person who has knowledge of the confusion or mistake.

Interrogatory No. 18:

Identify and describe all instances in which a person has inquired as to whether Respondent, Respondent's Products, or Respondent's use of the KIRANA mark are or were affiliated with, connected to, sponsored by, or otherwise related to Petitioner, Petitioner's goods or services, or Petitioner's use of the KIRANA mark, and vice versa. For each such instance state:

- (a) The identity of the person who made the inquiry;
- (b) The date and place that the inquiry occurred;
- (c) The manner in which Respondent received notice of the inquiry; and
- (d) The identity of each person who has knowledge of the inquiry.

Interrogatory No. 19:

Describe in detail the circumstances under which Respondent first learned of Petitioner's use of the KIRANA mark, including but not limited to the identity of all person(s) involved.

Interrogatory No. 20:

Identify the exact date (providing the month, day and year) of first sale of Respondent's Products bearing the KIRANA mark.

Interrogatory No. 21:

Identify the exact date of first sale (providing the month, day and year) of any camera bearing the KIRANA mark sold by Respondent.

Interrogatory No. 22:

Identify the exact date (providing the month, day and year) of first sale of any camera bearing the KIRANA mark manufactured in whole or in part by Respondent.

Interrogatory No. 23:

Identify the manufacturer(s) of cameras bearing the KIRANA mark that have been sold by Respondent.

Interrogatory No. 24:

Identify any licensing agreement(s) between Respondent and any entity regarding the KIRANA mark.

Interrogatory No. 25:

Identify any manufacturing agreement(s) between Respondent and any entity regarding the manufacture of any product bearing the KIRANA mark.

Interrogatory No. 26:

Identify any consent, coexistence or settlement agreement(s) between Respondent and any entity regarding the KIRANA mark.

Interrogatory No. 27:

Identify any distribution agreement(s) between Respondent and any entity regarding the distribution of any product bearing the KIRANA mark.

Interrogatory No. 28:

Identify Respondent's licensee(s) of the KIRANA mark.

Interrogatory No. 29:

Identify any websites in which Respondent's Products have been sold.

Interrogatory No. 30:

Identify any retail outlets in which Respondent's Products have been sold.

Interrogatory No. 31:

Identify the price(s) of the camera(s) that You have offered for sale bearing the KIRANA mark for each of the years 2010, 2011, 2012, 2013 and 2014.

Interrogatory No. 32:

Identify the state(s) in which Hadland Imaging LLC is incorporated.

Interrogatory No. 33:

Identify the state(s) in which Hadland Imaging LLC does business.

Interrogatory No. 34:

Is Hadland Imaging LLC operating in good standing in the state(s) in which it is incorporated or doing business?

Interrogatory No. 35:

On January 25, 2013, was Hadland Imaging LLC in good standing in the state(s) in which it was incorporated as of that date?

Interrogatory No. 36:

Set forth in detail the factual and legal basis for any Response to Petitioner's First Set of Interrogatories Requests for Admissions that is other than an unqualified admission.

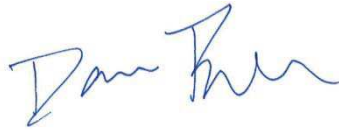
Interrogatory No. 37:

Identify each person Respondent intends to call as a witness in this proceeding and the substance of the facts as to which he or she is expected to testify.

Interrogatory No. 38:

Identify each person who provided information in connection with Respondent's Responses to Petitioner's First Set of Interrogatories, and specify the Interrogatories for which each identified person provided information.

Dated: January 21, 2015



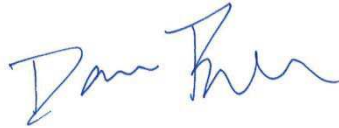
Darin Brown
Janet Shih Hajek
HOLLAND & HART LLP
P.O. Box 8749
Denver, CO 80201-8749
Phone: (303) 473-2731
Facsimile: (303) 473-2720

**Attorneys for Petitioner
Specialised Imaging Ltd.**

CERTIFICATE OF SERVICE

I certify that on January 21, 2015, I served a true and complete copy of the above **PETITIONER'S FIRST SET OF INTERROGATORIES TO RESPONDENT** to the following by U.S. Certified Mail, postage prepaid:

Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062



Darin Brown

Exhibit 2 to Hajek Decl.



March 4, 2015

VIA E-MAIL (trumbaugh@hadlandimaging.com)
AND U.S. MAIL

Mr. Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062

Re: Specialized Imaging Ltd. v. Hadland Imaging LLC
KIRANA
Trademark Opposition No. 92059809

Dear Mr. Rumbaugh:

As you know, on January 21, 2015, Specialized Imaging Ltd. served its Initial Disclosures, as well as its First Set of Interrogatories, First Set of Requests for Production of Documents and First Set of Requests for Admissions (the "Discovery Requests") upon Hadland Imaging LLC. Copies of the Discovery Requests are enclosed with this letter as Exhibit A. As you also know from the Trademark Trial & Appeal Board order dated October 24, 2014, the parties' initial disclosures were due on January 22, 2015. In addition, Hadland Imaging's responses to the Discovery Requests were due on February 25, 2015.

We have not received Hadland Imaging's initial disclosures or any responses to the enclosed Discovery Requests, nor have we received any request for an extension of the deadlines to serve initial disclosures or to respond to the Discovery Requests. **Please provide your responses to the enclosed First Set of Interrogatories and First Set of Requests for Production of Documents by March 13, 2015, and without objection, all of which have been waived.** See Trademark Trial & Appeal Board Manual of Procedure ("TBMP") § 410. Because you failed to timely object or respond to Specialized Imaging's First Set of Requests for Admissions, you have also waived any objections to such requests and such admissions are conclusively established. See Fed. R. Civ. P. 36(a); TBMP § 406.04(a).



Mr. Todd Rumbaugh
March 4, 2015
Page 2

Should you have any questions or if you would like to discuss this letter, please call me at (303) 295-8119 or you may send me an e-mail at jshajek@hollandhart.com. Otherwise, we look forward to receiving your initial disclosures and responses to the enclosed interrogatories and document requests by no later than **March 13, 2015**.

Sincerely,

Janet Shih Hajek
for Holland & Hart LLP

Enclosures

7594305_1

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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**PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND THINGS TO RESPONDENT**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 406 of the Trademark Trial and Appeal Board Manual of Practice, Specialised Imaging Ltd. ("Petitioner") hereby serves this First Set of Requests for Production of Documents and Things on Hadland Imaging LLC ("Respondent"), and requests that Respondent respond by producing the requested documents at the offices of Petitioner's counsel, Holland & Hart LLP, One Boulder Plaza, 1800 Broadway, Suite 300, Boulder, Colorado 80302, within thirty (30) days.

DEFINITIONS AND INSTRUCTIONS

The following definitions apply to all of Petitioner's discovery requests.

A. "Identify," "identity" or "identification" when used with respect to a natural person requires that you provide the following information with respect to the person:

1. Name;
2. Last known business address;
3. Last known residence address;
4. Last known telephone number; and

5. Name of employer or business with whom the person is and/or was associated and the person's title and position at the time relevant to the identification.

B. "Identify," "identity," or "identification" when used with respect to a person that is not a natural person means, to the extent applicable, provide the last known business address, last known telephone number, contact name and title, and the nature of the entity (*e.g.*, partnership, corporation, limited liability company, etc.).

C. "Identify," "identity," or "identification," when used with respect to a communication, means to state the parties to the communication, the date or approximate date of the communication, the substance of the communication, and identify all documents containing or relating to the communication.

D. "Refers" or "relates to" means that the request encompasses any document or thing, as the case may be, that discusses, embodies, contains, evidences, reflects, identifies, states, refers to or concerns that matter, or that is in any way pertinent to that matter. To the extent that a document differs from other copies or originals by reason of notations, comments, markings, or other differences, each document shall be deemed a separate document.

E. "You," "Your" and "Respondent" means Hadland Imaging LLC and its predecessors-in-interest, past and present affiliates, subsidiaries, officers, agents, directors, employees, business partners, consultants, attorneys, representatives and any other person acting on behalf of Hadland Imaging LLC.

F. "Petitioner" and "Specialised Imaging" means Specialised Imaging Ltd. and its predecessors-in-interest, past and present affiliates, subsidiaries, officers, agents, directors, employees, consultants, attorneys, representatives and any other person acting on behalf of Specialised Imaging Ltd.

G. “Invisible Vision” means Invisible Vision Ltd., a United Kingdom limited company with an address at 17 Princes Street, Norwich, NR3 1AF, UK, and its affiliates, subsidiaries, officers, agents, directors, employees, consultants, attorneys, representatives and any other person acting on behalf of Invisible Vision Ltd.

H. The “Registration” means U.S. Trademark Registration No. 4,395,912.

I. The “KIRANA mark” means the KIRANA trademark.

J. “Respondent’s Products” means any products or services created, sold, marketed or offered for sale or intended to be created, sold, marketed or offered for sale by Respondent bearing the KIRANA mark, including but not limited to, the goods identified in the Registration.

K. “Petition for Cancellation” means the Petition for Cancellation filed by Petitioner, which instituted the present Cancellation No. 92059809.

L. “Petitioner’s Products” means any products or services created, sold, marketed or offered for sale or intended to be created, sold, marketed or offered for sale by Petitioner bearing the KIRANA mark.

M. “Document” and “Documents” are used in the broadest extent permitted by Fed. R. Civ. P. 34(a)(1), including written material stored electronically on tape, disk or other media, and e-mail. “Document” or “Documents” also include all non-identical copies, such as those bearing marginal comments or other marks, postscripts, changes, amendments, addenda, or other notations not present on the original document as initially written, typed, or otherwise prepared. Each such non-identical copy is to be considered and identified as a separate document. To the extent any “communication” as defined below is reduced to a writing or other recordation, it is expressly included in the term “Document” or “Documents.”

N. “Communication” shall be construed in its broadest sense and means every

manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information, whether orally, face-to-face, by telephone, mail, personal delivery, document, electronic mail, posting on the Internet, text, or otherwise.

O. All references in these discovery requests to “use” signify use in commerce that may lawfully be regulated by Congress.

P. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make these discovery requests inclusive rather than exclusive.

Q. “Each,” “any” and “all” mean each and every.

R. Pursuant to the amended TTAB Rules, 72 Fed. Reg. 42242 (August 1, 2007), Rule 2.116(g), the Board’s standard protective order (the “Protective Order”) is applicable in every pending case, including the present one, commenced on or after August 31, 2007. As a result, any objections on the basis of “confidentiality” are generally inappropriate.

S. If any information is withheld on the basis of the claim of privilege or otherwise, please provide a privilege log identifying the information withheld, the creation date, the creator(s), the recipient(s), the general subject matter of the information, and the specific grounds upon which it is being withheld.

T. In Your responses to Petitioner’s discovery requests, please restate the text of each request preceding your response.

U. Each page of every document produced in response to Petitioner’s discovery requests shall be stamped with a unique Bates Number.

V. Petitioner’s discovery requests shall be deemed continuing so as to require timely supplementation if Respondent obtains or becomes aware of any information, further documents or things subsequent to Respondent’s initial responses in accordance with the Federal Rules of

Civil Procedure.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 1

All Documents referring or relating to Respondent's selection, adoption, and clearance of the KIRANA mark, including but not limited to, searches, investigations, reports, and opinions.

Request No. 2

All Documents referring or relating to the preparation and submission of U.S. Trademark Application Serial No. 85/833,138, which is now the Registration, including but not limited to the selection and preparation of the specimen of use submitted therewith.

Request No. 3.

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2010.

Request No. 4

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2011.

Request No. 5

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2012.

Request No. 6

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2013.

Request No. 7

Documents sufficient to show or identify each product and/or service with which the KIRANA mark was used by Respondent in 2014.

Request No. 8

Documents sufficient to show or identify each product and/or service bearing the KIRANA mark that has been sold by Respondent.

Request No. 9

Documents sufficient to show or identify each product and/or service bearing the KIRANA mark that is currently being sold by Respondent.

Request No. 10

Documents sufficient to show or identify Respondent's plans for marketing and promoting Respondent's Products, including, but not limited to, marketing plans, advertising plans, strategic business plans, and market research, for each year that Respondent has marketed and promoted Respondent's Products bearing the KIRANA mark.

Request No. 11

All Documents evidencing Respondent's first use of the KIRANA mark on or in connection with Respondent's Products.

Request No. 12

All Documents evidencing Respondent's first use of the KIRANA mark on or in connection with cameras.

Request No. 13

All Documents evidencing Respondent's first sale of Respondent's Products, including but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 14

All Documents relating to the sales of Respondent's Products in 2010, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 15

All Documents relating to the sales of Respondent's Products in 2011, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 16

All Documents relating to the sales of Respondent's Products in 2012, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 17

All Documents relating to the sales of Respondent's Products in 2013, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 18

All Documents relating to the sales of Respondent's Products in 2014, including, but not limited to, any sales receipt(s), sales contract(s) and negotiations associated therewith, sales invoice(s), packing slip(s) and purchase order(s).

Request No. 19

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2010.

Request No. 20

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2011.

Request No. 21

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2012.

Request No. 22

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2013.

Request No. 23

All Documents relating to any correspondence in connection with the sales or potential sales of Respondent's Products in 2014.

Request No. 24

Documents sufficient to identify each channel of trade through which Respondent has marketed, offered, and sold, and currently markets, offers, and sells Respondent's Products.

Request No. 25

Documents sufficient to identify the nature, identity and characteristics of each class or type of purchaser to whom Respondent has marketed, offered, and sold, and currently markets, offers, and sells Respondent's Products.

Request No. 26

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2010.

Request No. 27

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2011.

Request No. 28

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2012.

Request No. 29

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2013.

Request No. 30

All Documents showing Respondent's advertising and promotional materials in each media utilized (e.g., print, television, radio, Internet, billboards, etc.) featuring, displaying, or containing the KIRANA mark in 2014.

Request No. 31

Documents sufficient to show all forms and all manners of appearance in which Respondent has depicted, displayed, or used the KIRANA mark, including but not limited to, all designs and stylizations, from the first use of the KIRANA mark to the present.

Request No. 32

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2010 where Respondent promoted Respondent's Products.

Request No. 33

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2010.

Request No. 34

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2011 where Respondent promoted Respondent's Products.

Request No. 35

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2011.

Request No. 36

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2012 where Respondent promoted Respondent's Products.

Request No. 37

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2012.

Request No. 38

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2013 where Respondent promoted Respondent's Products.

Request No. 39

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2013.

Request No. 40

Documents sufficient to identify all trade shows and expositions attended by Respondent in 2014 where Respondent promoted Respondent's Products.

Request No. 41

Documents used by Respondent to promote Respondent's Products in any trade shows and expositions in 2014.

Request No. 42

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2010.

Request No. 43

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2011.

Request No. 44

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2012.

Request No. 45

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2013.

Request No. 46

Documents sufficient to evidence or determine Respondent's sales of Respondent's Products in terms of units and dollar volume in 2014.

Request No. 47

Documents sufficient to identify Respondent's advertising and promotional expenditures for each of the years 2010, 2011, 2012, 2013 and 2014 of Respondent's Products bearing the KIRANA mark.

Request No. 48

All Documents referring or relating to any instance of alleged confusion, mistake, or deception involving, on the one hand, Respondent, Respondent's use of the KIRANA mark, or Respondent's Products, and on the other hand, Petitioner, Petitioner's use of the KIRANA mark, Petitioner's Products, or vice versa.

Request No. 49

All Documents referring or relating to any inquiries about whether Respondent, Respondent's Products, or Respondent's use of the KIRANA mark are or were affiliated or associated with, connected to, sponsored by, or otherwise related to Petitioner, Petitioner's Products, or Petitioner's use of the KIRANA mark, or vice versa.

Request No. 50

All Documents referring to or relating to objections Respondent has made within the last five (5) years, based in whole or in part on the KIRANA mark, to any third party's use and/or registration of any marks or names.

Request No. 51

All documents referring or relating to objections Respondent has received within the last five (5) years regarding the use and/or registration of the KIRANA mark.

Request No. 52

All Documents referring or relating to agreements negotiated between Respondent and third parties within the last five (5) years, including any resulting agreement(s), concerning the use and/or registration of the KIRANA mark, including but not limited to license agreements, settlement agreements, and coexistence agreements.

Request No. 53

All Documents referring or relating to Invisible Vision, and/or all documents which constitute communications between Respondent and Invisible Vision regarding the KIRANA mark or Respondent's Products.

Request No. 54

All Documents referring or relating to any license, permission, consent, or other authorization by Invisible Vision to Respondent regarding Respondent's use of any photographs or copyrighted images owned by Invisible Vision.

Request No. 55

Photographs of Respondent's Products displaying the KIRANA mark for each year that Respondent has promoted Respondent's Products, from the date of first use to present.

Request No. 56

Photographs or copies of packaging for Respondent's Products displaying the KIRANA mark for each year that Respondent has offered Respondent's Products, from the date of first use to present.

Request No. 57

Documents sufficient to identify all trademark, service mark, trade name, Internet domain name, or other U.S. applications/registrations owned by or on behalf of Respondent, through assignment or otherwise, for any name or mark comprised of or containing the term "KIRANA."

Request No. 58

All Documents referring or relating to consumer research, consumer reports, case studies, opinions, and/or investigations relating to the KIRANA mark in Respondent's possession.

Request No. 59

All Documents referring or relating to any research, reports, surveys, investigations, and/or studies conducted within the last five (5) years relating to consumer or customer perception, understanding, and/or recognition of any name, mark, or designation comprised of or containing the KIRANA mark in Respondent's possession.

Request No. 60

All Documents relating to any research, reports, surveys, investigations, and/or studies concerning the presence or absence of consumer confusion or the likelihood of confusion between, on the one hand, Respondent, Respondent's use of the KIRANA mark, or Respondent's Products and, on the other hand, Petitioner, Petitioner's use of the KIRANA mark or Petitioner's Products.

Request No. 61

All Documents referring or relating to Petitioner's use of the KIRANA mark, including but not limited to the circumstances under which Respondent first learned of Petitioner's use of the KIRANA mark.

Request No. 62

All Documents relating to Respondent's knowledge of Petitioner's use of the KIRANA mark.

Request No. 63

All Documents, including all correspondence, relating to Respondent's knowledge of Petitioner's first use of the KIRANA mark.

Request No. 64

All Documents, including all correspondence, relating to the first time that Respondent became aware of Petitioner's use of the KIRANA mark.

Request No. 65

All Documents referring or relating to web pages in which Respondent's Products have been offered for sale from the date of first use to present.

Request No. 66

All Documents referring or relating to web pages in which Respondent's Products have been advertised from the date of first use to present.

Request No. 67

Documents sufficient to identify any retail outlets where Respondent's Products have been offered for sale from the date of first use to present.

Request No. 68

Documents sufficient to identify any retail outlets where Respondent's Products have been sold from the date of first use to present.

Request No. 69

To the extent not covered by the foregoing requests, all Documents identified in Your responses to Petitioner's First Set of Interrogatories, and all documents referred to in preparing Your responses to Petitioner's First Set of Interrogatories.

Request No. 70

Documents sufficient to identify Respondent's corporate structure, including but not limited to documents referring or relating to employees that have had any involvement with Respondent's Mark and/or Respondent's Products.

Request No. 71

All Documents relating to any manufacturing agreements, including negotiations leading to such manufacturing agreements, for the manufacture of Respondent's Products.

Request No. 72

All Documents relating to any distribution agreements, including negotiations leading to such distribution agreements, for the distribution of Respondent's Products.

Request No. 73

All Documents relating to Hadland Imaging LLC's articles of incorporation.

Request No. 74

All documents not already produced in response to these Requests that Respondent may use to support its claims and defenses in this Cancellation Proceeding No. 92059809.

Dated: January 21, 2015



Darin Brown
Janet Shih Hajek
HOLLAND & HART LLP
P.O. Box 8749
Denver, CO 80201-8749
Phone: (303) 473-2731
Facsimile: (303) 473-2720

**Attorneys for Petitioner
Specialised Imaging Ltd.**

CERTIFICATE OF SERVICE

I certify that on January 21, 2015, I served a true and complete copy of the above
**PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND THINGS TO RESPONDENT** to the following by U.S. Certified Mail, postage prepaid:

Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062



Darin Brown

7401088_2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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PETITIONER'S FIRST SET OF INTERROGATORIES TO RESPONDENT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Specialised Imaging Ltd. ("Petitioner") requests that Hadland Imaging LLC ("Respondent") serve upon Petitioner sworn answers to the interrogatories set forth below within thirty (30) days. These interrogatories are intended to be continuing in nature and any information that may be discovered subsequent to the service and filing of Respondent's answers should be brought to Petitioner's attention through supplemental answers within a reasonable time following such discovery.

Petitioner requests that each interrogatory be quoted in full immediately preceding the response.

DEFINITIONS AND INSTRUCTIONS

Petitioner incorporates by reference the definitions and instructions set forth in Petitioner's First Set of Requests for Production of Documents and Things to Respondent.

INTERROGATORIES

Interrogatory No. 1:

Describe in detail the circumstances surrounding Respondent's selection of the KIRANA mark, including but not limited to the reasons that Respondent selected Respondent's Mark, when Respondent selected Respondent's Mark, and all persons involved in the selection the KIRANA mark.

Interrogatory No. 2:

Describe in detail the circumstances surrounding Respondent's clearance of the KIRANA mark, including but not limited to how Respondent cleared the KIRANA mark, when Respondent cleared the KIRANA mark, and all persons involved in the clearance of the KIRANA mark.

Interrogatory No. 3:

Describe in detail the circumstances surrounding Respondent's preparation and submission of U.S. Trademark Application Serial No. 85/833,138, including but not limited to the selection and preparation of the specimen of use submitted therewith.

Interrogatory No. 4:

Identify and describe how Respondent obtained the photograph used as the specimen of use which was submitted to the U.S. Patent & Trademark Office in Application Serial No. 85/833,138.

Interrogatory No. 5:

Identify the photographer of the photograph used as the specimen of use which was submitted to the U.S. Patent & Trademark Office in Application Serial No. 85/833,138.

Interrogatory No. 6:

Identify the exact date (providing the month, day and year) of creation of the photograph used as the specimen of use which was submitted to the U.S. Patent & Trademark Office in Application Serial No. 85/833,138.

Interrogatory No. 7:

Identify each person having knowledge of the date of first use by Respondent of the KIRANA mark.

Interrogatory No. 8:

Identify each person having knowledge of the date of first promotion by Respondent of the KIRANA mark.

Interrogatory No. 9:

Identify each product with which Respondent has used the KIRANA mark by stating for each such product:

- (a) The name of and the description of the product; and
- (b) The date of launch or first use of Respondent's Mark with each product.

Interrogatory No. 10:

Identify any and all trade shows and expositions attended by Respondent in the last five (5) years and the date of such trade shows and expositions in which Respondent has promoted Respondent's Products bearing the KIRANA mark.

Interrogatory No. 11:

Identify each branding agency, advertising agency, market research firm, public relations firm, website development firm, or other similar entity that has rendered services to Respondent within the last five (5) years in connection with the advertising, promotion, or publicizing of the

KIRANA mark, or any products or services promoted, sold, and/or offered by Respondent under the KIRANA mark and for each such entity:

- (a) Describe the services performed by it;
- (b) State the period(s) of time during which it provided such services; and
- (c) Identify the person(s) primarily responsible for Respondent's account and the period(s) of time during which they were responsible.

Interrogatory No. 12:

Identify the person(s) most knowledgeable about Respondent's Products.

Interrogatory No. 13:

Identify Respondent's total revenues for each of the last five years from the sale and/or licensing of goods bearing the KIRANA mark.

Interrogatory No. 14:

Identify Respondent's total revenues for each of the last five years from the sale and/or licensing of Respondent's Products bearing the KIRANA mark.

Interrogatory No. 15:

Identify the person(s) most knowledgeable about the advertising and promotion of Respondent's Products.

Interrogatory No. 16:

Set forth Respondent's total expenditures on an annual basis for the last five (5) years for the marketing and/or advertising of Respondent's Products.

Interrogatory No. 17:

Identify and describe all instances in which a person has confused or mistaken the identity, source, affiliation, or relationship between, on the one hand, Respondent, Respondent's

Products, or Respondent's use of the KIRANA mark and, on the other hand, Petitioner, Petitioner's goods or services, or Petitioner's use of the KIRANA mark, and vice versa. For each such instance state:

- (a) The identity of the person who was confused or mistaken;
- (b) The date and place that the confusion or mistake occurred;
- (c) The manner in which Respondent received notice of the confusion or mistake; and
- (d) The identity of each person who has knowledge of the confusion or mistake.

Interrogatory No. 18:

Identify and describe all instances in which a person has inquired as to whether Respondent, Respondent's Products, or Respondent's use of the KIRANA mark are or were affiliated with, connected to, sponsored by, or otherwise related to Petitioner, Petitioner's goods or services, or Petitioner's use of the KIRANA mark, and vice versa. For each such instance state:

- (a) The identity of the person who made the inquiry;
- (b) The date and place that the inquiry occurred;
- (c) The manner in which Respondent received notice of the inquiry; and
- (d) The identity of each person who has knowledge of the inquiry.

Interrogatory No. 19:

Describe in detail the circumstances under which Respondent first learned of Petitioner's use of the KIRANA mark, including but not limited to the identity of all person(s) involved.

Interrogatory No. 20:

Identify the exact date (providing the month, day and year) of first sale of Respondent's Products bearing the KIRANA mark.

Interrogatory No. 21:

Identify the exact date of first sale (providing the month, day and year) of any camera bearing the KIRANA mark sold by Respondent.

Interrogatory No. 22:

Identify the exact date (providing the month, day and year) of first sale of any camera bearing the KIRANA mark manufactured in whole or in part by Respondent.

Interrogatory No. 23:

Identify the manufacturer(s) of cameras bearing the KIRANA mark that have been sold by Respondent.

Interrogatory No. 24:

Identify any licensing agreement(s) between Respondent and any entity regarding the KIRANA mark.

Interrogatory No. 25:

Identify any manufacturing agreement(s) between Respondent and any entity regarding the manufacture of any product bearing the KIRANA mark.

Interrogatory No. 26:

Identify any consent, coexistence or settlement agreement(s) between Respondent and any entity regarding the KIRANA mark.

Interrogatory No. 27:

Identify any distribution agreement(s) between Respondent and any entity regarding the distribution of any product bearing the KIRANA mark.

Interrogatory No. 28:

Identify Respondent's licensee(s) of the KIRANA mark.

Interrogatory No. 29:

Identify any websites in which Respondent's Products have been sold.

Interrogatory No. 30:

Identify any retail outlets in which Respondent's Products have been sold.

Interrogatory No. 31:

Identify the price(s) of the camera(s) that You have offered for sale bearing the KIRANA mark for each of the years 2010, 2011, 2012, 2013 and 2014.

Interrogatory No. 32:

Identify the state(s) in which Hadland Imaging LLC is incorporated.

Interrogatory No. 33:

Identify the state(s) in which Hadland Imaging LLC does business.

Interrogatory No. 34:

Is Hadland Imaging LLC operating in good standing in the state(s) in which it is incorporated or doing business?

Interrogatory No. 35:

On January 25, 2013, was Hadland Imaging LLC in good standing in the state(s) in which it was incorporated as of that date?

Interrogatory No. 36:

Set forth in detail the factual and legal basis for any Response to Petitioner's First Set of Interrogatories Requests for Admissions that is other than an unqualified admission.

Interrogatory No. 37:

Identify each person Respondent intends to call as a witness in this proceeding and the substance of the facts as to which he or she is expected to testify.

Interrogatory No. 38:

Identify each person who provided information in connection with Respondent's Responses to Petitioner's First Set of Interrogatories, and specify the Interrogatories for which each identified person provided information.

Dated: January 21, 2015



Darin Brown
Janet Shih Hajek
HOLLAND & HART LLP
P.O. Box 8749
Denver, CO 80201-8749
Phone: (303) 473-2731
Facsimile: (303) 473-2720

**Attorneys for Petitioner
Specialised Imaging Ltd.**

CERTIFICATE OF SERVICE

I certify that on January 21, 2015, I served a true and complete copy of the above **PETITIONER'S FIRST SET OF INTERROGATORIES TO RESPONDENT** to the following by U.S. Certified Mail, postage prepaid:

Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062

A handwritten signature in blue ink, appearing to read "Darin Brown", written over a horizontal line.

Darin Brown

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPECIALISED IMAGING LTD., Petitioner, v. HADLAND IMAGING LLC, Respondent.	Cancellation No.: 92059809 Mark: KIRANA Reg. No.: 4,395,912
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PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Specialised Imaging Ltd. ("Petitioner") hereby serves this First Set of Requests for Admissions on Hadland Imaging LLC ("Respondent"), and requests that Respondent respond within thirty (30) days.

DEFINITIONS AND INSTRUCTIONS

Petitioner incorporates by reference the definitions and instructions set forth in Petitioner's First Set of Requests for Production of Documents and Things to Respondent.

REQUESTS FOR ADMISSIONS

Request No. 1:

Admit that You have never placed the KIRANA mark in any manner on any type of camera or the containers or displays associated therewith or on the tags or labels affixed thereto and sold or transported those goods in commerce in the U.S.

Request No. 2:

Admit that you have never sold a camera bearing the KIRANA mark.

Request No. 3:

Admit that you have never used the KIRANA mark in connection with the sale of a

camera.

Request No. 4:

Admit that you have never offered for sale a camera bearing the KIRANA mark.

Request No. 5:

Admit that you have never advertised or promoted a camera bearing the KIRANA mark.

Request No. 6:

Admit that You have never used the KIRANA mark in any advertising brochure.

Request No. 7:

Admit that you have never used the KIRANA mark in any catalog.

Request No. 8:

Admit that you have never used the KIRANA mark in any newspaper advertisement.

Request No. 9:

Admit that you have never used the KIRANA mark in any newspaper or magazine article.

Request No. 10:

Admit that you have never used the KIRANA mark in any trade publication.

Request No. 11:

Admit that you have never used the KIRANA mark in any publicly-accessible Internet website.

Request No. 12:

Admit that no media publication or trade journal article exists that discusses Respondent's Products.

Request No. 13:

Admit that, prior to January 25, 2013, You never placed the KIRANA mark in any manner on any type of camera or the containers or displays associated therewith or on the tags or labels affixed thereto and sold or transported those goods in commerce.

Request No. 14:

Admit that, prior to January 25, 2013, You never used the KIRANA mark in advertising brochures, catalogs, newspaper ads, articles in newspapers, trade publications, or publicly-accessible Internet websites.

Request No. 15:

Admit that, prior to September 20, 2012, You never placed the KIRANA mark in any manner on any type of camera or the containers or displays associated therewith or on the tags or labels affixed thereto and sold or transported those goods in commerce

Request No. 16:

Admit that, prior to September 20, 2012, You never used the KIRANA mark in advertising brochures, catalogs, newspaper ads, articles in newspapers, trade publications, or publicly-accessible Internet websites.

Request No. 17:

Admit that, prior to January 1, 2012, You never used the KIRANA mark in any manner on any type of camera or the containers or displays associated therewith or on the tags or labels affixed thereto and sold or transported those goods in commerce.

Request No. 18:

Admit that, prior to January 1, 2012, You never used the KIRANA mark in advertising brochures, catalogs, newspaper ads, articles in newspapers, trade publications, or publicly-

accessible Internet websites.

Request No. 19:

Admit that You were aware of Petitioner's use of the KIRANA mark prior to your first use of the KIRANA mark.

Request No. 20:

Admit that You were aware of Petitioner's use of the KIRANA mark prior to your first sale of any product bearing the KIRANA mark.

Request No. 21:

Admit that You were aware of Petitioner's use of the KIRANA mark prior to your first promotion of any product bearing the KIRANA mark.

Request No. 22:

Admit that the specimen of use submitted to the U.S. Patent & Trademark Office ("USPTO") in Application Serial No. 85/833, 138 (the "Application") consists of a photograph of a video camera sold or offered for sale by Invisible Vision Ltd. (the "Photograph").

Request No. 23:

Admit that the genuine Photograph does not display the term "KIRANA."

Request No. 24:

Admit that the genuine Photograph does not display the term "Hadland."

Request No. 25:

Admit that the camera depicted in the Photograph is sold by Invisible Vision Ltd.

Request No. 26:

Admit that Invisible Vision Ltd. owns the copyright to the Photograph.

Request No. 27:

Admit that You did not create the Photograph.

Request No. 28:

Admit that Invisible Vision Ltd. created the Photograph.

Request No. 29:

Admit that the camera depicted in the Photograph is not sold by You.

Request No. 30:

Admit that the camera depicted in the Photograph is offered for sale by Invisible Vision Ltd.

Request No. 31:

Admit that the camera depicted in the Photograph is not offered for sale by You.

Request No. 32:

Admit that Invisible Vision Ltd. does not sell a camera bearing the mark KIRANA.

Request No. 33:

Admit that Invisible Vision Ltd. does not offer for sale a camera bearing the mark KIRANA.

Request No. 34:

Admit that Invisible Vision Ltd. does not sell a camera bearing the "Hadland" name.

Request No. 35:

Admit that Invisible Vision Ltd. does not offer for sale a camera bearing the "Hadland" name.

Request No. 36:

Admit that You altered the Photograph by adding the term "KIRANA" to the Photograph.

Request No. 37:

Admit that You altered the Photograph by adding the term “Hadland” to the Photograph.

Request No. 38:

Admit that You submitted the Photograph to the USPTO with the intent to obtain the Registration.

Request No. 39:

Admit that you submitted the Photograph to the USPTO with the intent to fraudulently obtain the Registration.

Request No. 40:

Admit that Invisible Vision Ltd. did not grant Respondent permission to use the Photograph.

Request No. 41:

Admit that Invisible Vision Ltd. did not authorize Respondent to submit the Photograph to the USPTO.

Request No. 42:

Admit that Invisible Vision Ltd. did not authorize Respondent to alter the Photograph.

Request No. 43:

Admit that Mr. Rumbaugh signed the Application.

Request No. 44:

Admit that when Mr. Rumbaugh signed the Application, he signed a declaration stating, in part, that “the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any

resulting registration.”

Request No. 45:

Admit that all documents produced by Respondent in this Opposition Proceeding No. 92059809 are authentic.

Dated: January 21, 2015



Darin Brown
Janet Shih Hajek
HOLLAND & HART LLP
P.O. Box 8749
Denver, CO 80201-8749
Phone: (303) 473-2731
Facsimile: (303) 473-2720

**Attorneys for Petitioner
Specialised Imaging Ltd.**

CERTIFICATE OF SERVICE

I certify that on January 21, 2015, I served a true and complete copy of the above **PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSIONS** to the following by U.S. Certified Mail, postage prepaid:

Todd Rumbaugh
Hadland Imaging LLC
802 Seabright Avenue
Santa Cruz, CA 95062

A handwritten signature in blue ink, appearing to read "Darin Brown", is written over a horizontal line.

Darin Brown

Exhibit 3 to Hajek Decl.

Janet Hajek

From: Hadlandimaging <trumbaugh@hadlandimaging.com>
Sent: Friday, March 13, 2015 4:58 PM
To: Janet Hajek
Subject: Re: Specialized Imaging Ltd. v. Hadland Imaging LLC (KIRANA), Trademark Opposition No. 92059809

My reply is that I applied for the trademark and was granted the name Kirana for high speed cameras. It was not even brought to your clients attention to apply for a trademark until I sent a letter of cease and desist. [REDACTED]

[REDACTED]

[REDACTED]

Regards

Todd Rumbaugh
408-203-2727 direct
Hadlandimaging.com
trumbaugh@hadlandimaging.com

On Mar 4, 2015, at 9:49 AM, Janet Hajek <JSHajek@hollandhart.com> wrote:

Dear Mr. Rumbaugh,

Please see the attached letter. We look forward to receiving your reply by March 13, 2015.

Thank you.

Janet Shih Hajek
Holland & Hart LLP
555 17th Street, Suite 3200
Denver, CO 80202
Phone (303) 295-8119
Fax (303) 957-5583

<image001.gif>

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

<March 4, 2015 Discovery Letter to Hadland Imaging, LLC.pdf>

Exhibit 4 to Hajek Decl.

Janet Hajek

From: Janet Hajek
Sent: Monday, March 23, 2015 9:42 AM
To: Hadlandimaging
Subject: Specialised Imaging Ltd. v. Hadland Imaging LLC (KIRANA), Trademark Opposition No. 92059809
Attachments: 2015.01.21 Petitioner's First Set of Interrogatories to Respondent.pdf; 2015.01.21 Petitioner's First Set of Requests for Production of Document....pdf

Dear Mr. Rumbaugh,

You still have not served your initial disclosures (due on January 22, 2015), nor have you responded to the Interrogatories and Document Requests (due on February 25, 2015), attached once again. You must respond to these requests by 5:00 pm Pacific Time on Wednesday, March 25, 2015 or we will have no other choice than to file a motion to compel with the Trademark Trial & Appeal Board.

As a reminder, the Federal Rules of Civil Procedure require that interrogatory responses be signed under oath, subject to penalty of perjury. Fed. R. Civ. P. 33(b)(3) ("Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.").

I will respond to your settlement question by separate e-mail.

Should you have any questions or would like to discuss this with me, I may be reached by phone at (303) 295-8119.

Sincerely,
Janet Shih Hajek

Janet Shih Hajek
Holland & Hart LLP
555 17th Street, Suite 3200
Denver, CO 80202
Phone (303) 295-8119
Fax (303) 957-5583



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From: Hadlandimaging [<mailto:trumbaugh@hadlandimaging.com>]
Sent: Friday, March 13, 2015 4:58 PM
To: Janet Hajek
Subject: Re: Specialized Imaging Ltd. v. Hadland Imaging LLC (KIRANA), Trademark Opposition No. 92059809

Exhibit 5 to Hajek Decl.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

lg

Mailed: May 19, 2015

Cancellation No. 92059809

Specialised Imaging Ltd.

v.

Hadland Imaging LLC

Andrew P. Baxley, Interlocutory Attorney:

Petitioner's motion (filed April 8, 2015) to compel initial disclosures and discovery is granted as conceded. See Trademark Rule 2.127(a).

Respondent is allowed until **thirty days** from the mailing date set forth in this order to: (1) serve initial disclosures and responses without objection to Petitioner's first set of interrogatories and first set of document requests; (2) select, designate and identify the items and documents, or categories of items and documents, to be produced **without objection** in response to Petitioner's first set of document requests; and (3) notify Petitioner that the selection, designation and identification of such items and documents has been completed.¹ *See No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000). Petitioner is allowed until thirty days from receipt of notification from Respondent that the items or documents have been selected, designated and identified to inspect and copy the produced materials, as provided

¹ If responsive materials are voluminous, Respondent may produce a representative sampling and inform Petitioner that a representative sampling has been produced.

for in Fed. R. Civ. P. 34(b) and Trademark Rule 2.120(d)(2), unless the parties otherwise agree.

Proceedings are hereby resumed.² Remaining dates are reset as follows:

Expert Disclosures Due	6/17/2015
Discovery Closes	7/17/2015
Plaintiff's Pretrial Disclosures	8/31/2015
Plaintiff's 30-day Trial Period Ends	10/15/2015
Defendant's Pretrial Disclosures	10/30/2015
Defendant's 30-day Trial Period Ends	12/14/2015
Plaintiff's Rebuttal Disclosures	12/29/2015
Plaintiff's 15-day Rebuttal Period Ends	1/28/2016

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

² Should Respondent fail to comply with this order, Petitioner may file a motion for entry of sanctions. See Trademark Rule 2.120(g).